



## Community Development Commission

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City Hall  
31 Wakefield Street, Rochester, NH 03867-1917  
603-335-7522 FAX: 603-335-7585  
[karen.pollard@rochesternh.net](mailto:karen.pollard@rochesternh.net)  
[Julian.long@rochesternh.net](mailto:Julian.long@rochesternh.net)

AGENDA – DRAFT  
Monday, December 15, 2014  
**3:00 PM to 5:00 PM in City Hall Conference Room**  
**(Please RSVP regrets to Jennifer Murphy Aubin)**  
[jennifer.murphy.aubin@rochesternh.net](mailto:jennifer.murphy.aubin@rochesternh.net)

- A. CALL TO ORDER – Attendance & Introductions of Guests and Visitors
- B. TOUR OF PROPERTIES & PRESENTATION (60 min)
  - RSA 79E Application – 124 North Main Street, Newton Kershaw (30 min)
  - RSA 79 E Application – 1 Wakefield Street, Jason Garland & John Hajjar (30 min)
- C. DISCUSSION OF APPLICATIONS & NEXT STEPS
- D. APPROVAL – Regular Minutes from Nov. 2014
- E. OTHER BUSINESS
- F. PUBLIC INPUT- (if needed)
- G. Adjourn

Officers for 2014  
Chair – Councilor James Gray  
Vice-Chair – Councilor Elaine Lauterborn  
Member – Councilor Sandra Keans  
Member – Jake Collins  
Member – Donna Bogan



440 Hanover St.  
Manchester, NH 03104  
603.782.0990

Re: 124 N Main St Rochester, NH – Scope of Work

Following a visit to the property, Kindler Development has provided an estimate for accomplishing the following items:

- Flooring (4,275 sq. ft.)
- Foundation sealing and re-pointing
- New lighting installation
- Prep and paint interior
- Paint exterior
- Replace trim and doors throughout
- Install new windows throughout
- Insulate where accessible
- Repair shingle roofing as needed
- Clean and remove trash
- Update kitchens, including appliances
- Update bathrooms, including fixtures
- Ensure building is pest-free
- Light landscaping
- Repair or replace existing bulkhead
- Repair or replace existing heating system(s)

Based on the work outlined here, Kindler expects to incur final costs not in excess of \$90,000.

We thank you for this opportunity and look forward to implementing these renovations. Thank you.

Regards,

A handwritten signature in black ink, appearing to read "Chris Schleyer". The signature is fluid and stylized, with a large loop at the end.

Chris Schleyer  
Member

City of Rochester Planning Department  
31 Wakefield Street  
Rochester, NH 03867  
(603) 335-1338  
Michael.Behrendt@rochesternh.net



**Application**  
**Community Revitalization Tax Relief** (per RSA 79E)  
**City of Rochester, New Hampshire**

Date: 11/14/2014 [Office use only. Fee submitted: \_\_\_\_\_ Final action: \_\_\_\_\_]

**Property information**

Property address/location: 124 No Main St

Name of building (if applicable): \_\_\_\_\_

Tax map #: 2025; Lot #'s: 587; Year built (if known): 1920

**Property owner**

Name (include name of individual): 1<sup>st</sup> Regional Funding, LLC

Mailing address: 440 Hanover St Manchester, NH 03104

Telephone #: 603.666.8534 Email: nkershaw@elmgrovecompanies.com

**Applicant/developer** (if different from property owner) **or Agent**

Name (include name of individual): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Proposed project**

Explain project: Purchased out of foreclosure, this building requires a substantial amount of deferred interior and exterior maintenance to be addressed so it can be operated responsibly.

Building uses. Existing: Residential; Proposed: Residential

Nonresidential square footage. Existing: 0; Proposed: 0

# of residential dwelling units. Existing: 8; Proposed: 8

Expected construction dates. Start: Upon 79-E resolution; Finish: Six Months from Start

## Project costs

Describe work that will constitute the substantial rehabilitation and estimated/projected costs. Please attach written estimates, if available.

Structural: Foundation work, windows, insulation, roofing, etc. Cost: \$ 50,000

Electrical: Electrical update, lighting, appliances Cost: \$ 10,000

Plumbing: Plumbing update, kitchens, bathrooms Cost: \$ 5,000

Mechanical: Furnace/Boiler Cost: \$ 5,000

Other: Cleaning, painting, landscaping, finishes, etc. Cost: \$ 20,000

Total project cost: \$ 90,000

## Other Information

Name of contractor (if known): Kindler Development

Will the project include any affordable housing units? Yes; If so, how many? 8

Will any state or federal grants or funds be used in this project? No

What are the public benefits associated with this project (in accordance with RSA 79-E:7)?

Please see attachment.

## Submission of application

**Note:** This program is available for projects where the rehabilitation cost equals or exceeds 15 percent of the pre-rehabilitation assessed valuation or \$75,000, whichever is less. Please attach any plot plans, building plans, elevation drawings, sketches, or photographs which help illustrate the project. A \$50.00 application fee (made out to "City of Rochester") must be submitted with this application. This application must be signed by the property owner.

*I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statute (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate. I (we) have reviewed the statute and understand that: a) there will be a public hearing to evaluate the merits of this application; b) I (we) will need to enter into a covenant with the City; and c) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.*

Signature of property owner (1): Clinton Kewhan III

Date: 11/14/14

Signature of property owner (2): \_\_\_\_\_

Date: \_\_\_\_\_

This 8-unit building provides affordable housing in or near Rochester's city center. As such, renovations to prevent it from falling into dereliction serve to revitalize Rochester's core and prevent urban blight. Given the current extent of disrepair and 1<sup>st</sup> Regional Funding's expected operating rents, renovation of 124 No. Main St effectively increases the supply of safe affordable housing in Rochester's city center. In this way, this architecturally unique building will be brought to a state where it and its residence can contribute to Rochester's safety, vitality, and sense of community.

A small, handwritten signature in blue ink, located in the bottom right corner of the page. The signature is stylized and appears to be a single letter, possibly 'R' or 'W'.





55 Calef Highway, Suite 2, Barrington, NH 03825  
(603) 664-0181

December 8, 2014

City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

To Whom it May Concern:

The purpose of this letter is to explain what the public benefit of renovating the building located at One Wakefield Street to allow for Twenty-one apartments on the second and third floors. It would provide public benefit under the definition by I. It enhances the economic vitality of the downtown; III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; and IV. It increases residential housing in urban or town centers.

Thank you for your attention to this. Please feel free to contact me with any questions.

Sincerely,

  
Jason Garland

City of Rochester Planning Department  
31 Wakefield Street  
Rochester, NH 03867  
(603) 335-1338  
Michael.Behrendt@rochesternh.net



**Application**  
**Community Revitalization Tax Relief** (per RSA 79E)  
**City of Rochester, New Hampshire**

Date: 4/23/14 [Office use only. Fee submitted: \_\_\_\_\_ Final action: \_\_\_\_\_]

**Property information**

Property address/location: ONE WAKEFIELD ST., ROCHESTER NH 03867

Name of building (if applicable): \_\_\_\_\_

Tax map #: 120; Lot #'s: 394; Year built (if known): 1929

**Property owner**

Name (include name of individual): ONE WAKEFIELD REALTY TRUST. JOHN HALLAR

Mailing address: 134 EAST HOWARD ST., QUINCY MA 02169

Telephone #: 617-770-0500 Email: JHALLAR@FOXCROFTINC.COM

**Applicant/developer (if different from property owner) or Agent**

Name (include name of individual): NORTH & SOUTH PROPERTY ADVISORS JASON GARCIA

Mailing address: 55 CALEF HWY., SUITE 2, BARRINGTON NH 03825

Telephone #: 603-231-1193 Email: JASON@NORTH SOUTH NH.COM

**Proposed project**

Explain project: RENOVATION OF SECOND AND THIRD FLOORS INTO  
21 RESIDENTIAL APARTMENTS

Building uses.	Existing: <u>27,195 SF</u> ; Proposed: <u>27,195 SF</u>
Nonresidential square footage.	Existing: <u>750 SF</u> ; Proposed: <u>18,130 SF</u>
# of residential dwelling units.	Existing: <u>1</u> ; Proposed: <u>21</u>
Expected construction dates.	Start: <u>12/1/14</u> ; Finish: <u>APRIL 1, 2015</u>

(Continued Tax Relief (79E) application - Tax Map: 120 Lot: 394)

### Project costs

Describe work that will constitute the substantial rehabilitation and estimated/projected costs. Please attach written estimates, if available.

Structural: SEE ATTACHED Cost: \$ \_\_\_\_\_  
Electrical: \_\_\_\_\_ Cost: \$ \_\_\_\_\_  
Plumbing: \_\_\_\_\_ Cost: \$ \_\_\_\_\_  
Mechanical: \_\_\_\_\_ Cost: \$ \_\_\_\_\_  
Other: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Total project cost: \$ \_\_\_\_\_

### Other Information

Name of contractor (if known): NORTH & SOUTH CONSTRUCTION SERVICES

Will the project include any affordable housing units? NO; If so, how many? \_\_\_\_\_

Will any state or federal grants or funds be used in this project? NO

What are the public benefits associated with this project (in accordance with RSA 79-E:7)?

IT ENHANCES THE ECONOMIC VIABILITY OF  
THE DOWNTOWN

### Submission of application

**Note:** This program is available for projects where the rehabilitation cost equals or exceeds 15 percent of the pre-rehabilitation assessed valuation or \$75,000, whichever is less. Please attach any plot plans, building plans, elevation drawings, sketches, or photographs which help illustrate the project. A \$50.00 application fee (made out to "City of Rochester") must be submitted with this application. This application must be signed by the property owner.

*I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statute (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate. I (we) have reviewed the statute and understand that: a) there will be a public hearing to evaluate the merits of this application; b) I (we) will need to enter into a covenant with the City; and c) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.*

Signature of property owner (1): *James A. D'Amico*

Date: 9/23/14

Signature of property owner (2): \_\_\_\_\_

Date: \_\_\_\_\_



CSI CODE #		DIVISION DESCRIPTION	Labor			materials			Subcontractors			COMMENTS/ REMARKS
			EST UNITS	Direct /hr	Labor TOTAL	EST UNITS	UNIT COST	Matl COST	Esti Units	Unit costs	Total Costs	
CSI# DIVISION 1 - GENERAL CONDITIONS												
01-110	ARCHITECTURAL SERVICES	0	0	0	0	0	0	0	100	100	10000	
01-113	STRUCTURAL ENGINEER FEES	0	0	0	0	0	0	0	20	100	2000	
01-200	OFFICE SUPERVISION	80	35	2800	0	0	0	0	0	0	0	
01-201	PROJECT MANAGER	10	2200	22000	0	0	0	0	0	0	0	Site Supervision
01-205	PROJECT SUPERINTENDENT	40	1800	72000	0	0	0	0	0	0	0	Misc. office expenses
01-220	TRAVEL AND OFFICE EXPENSES	2500	0.52	1300	0	0	0	0	0	0	0	Blueine Reproduction
01-230	PHOTOS AND PRINTS	0	0	0	5	150	750	0	0	0	0	
01-260	TEMPORARY TOILETS	0	0	0	0	0	0	0	6	90	540	Bottled water
01-270	TEMPORARY WATER	0	0	0	80	8	640	0	0	0	0	Cell phone
01-280	TEMPORARY TELEPHONE	0	0	0	0	0	0	0	6	50	300	Building permits & fees
01-320	PERMITTING COSTS	0	0	0	0	0	0	0	0	0	0	
	Per \$ fee	9	1000	9000	0	0	0	0	0	0	0	
	Per sq. ft. fee	0	0	0	0	0.044	0	0	0	0	0	
	app. fee	0	0	0	1	10	10	0	0	0	0	
01-330	TESTING FEES	0	0	0	0	0	0	0	1	2000	2000	HAZMAT testing
01-355	TEMPORARY PROTECTION	40	35	1400	20	100	2000	0	0	0	0	
01-500	SALVAGE STORAGE	0	0	0	0	0	0	0	6	300	1800	Site office
01-510	PERIODIC CLEAN UP	40	35	1400	0	0	0	0	2	600	1200	Dumpster/daily clean up
01-520	FINAL CLEAN UP	0	0	0	0	0	0	0	20	300	6000	Post project clean up
01-530	TEMPORARY CLOSURES	40	35	1400	20	50	1000	0	0	0	0	
01-540	SAFETY/SECURITY	24	110	2640	0	0	0	0	0	0	0	OSHA req'd meetings
01-620	SMALL TOOLS	0	0	0	1	300	300	0	0	0	0	
01-700	PUNCH LIST	40	35	1400	20	50	1000	0	0	0	0	
01-800	MATERIAL HANDLING - trusses	10	35	350	0	0	0	0	0	0	0	
Labor												
115690												
Mat's												
5700												
Subs												
23840												
Division Total \$ 145,230												
CSI# DIVISION 2 - SITE WORK												
02-110	DEMOLITION	0	0	0	0	0	0	0	1	44000	44000	Apollo
Labor												
0												
Mat's												
0												
Subs												
44000												
Division Total \$ 44,000												
CSI# DIVISION 3- CONCRETE												
03-320	GYPCRETE FLOORS	40	45	1800	0	0	0	0	4.25	9000	38250	
Labor												
1800												
Mat's												
0												
Subs												
38250												
Division Total \$ 40,050												

7/7/2014

Cobb Hill Construction, Inc

Budget.xls

CSI# DIVISION 5 STRUCTURAL STEEL													
05-100	STRUCTURAL STEEL	40	45	1800	1	5000	5000	0	0	0	0		
05-410	STEEL STUD FRAMING	0	0	0	0	0	0	2.25	18000	40500			
											Labor	1800	
											Mat'l's	5000	
											Subs	40500	
											Division Total \$		47,300
CSI# DIVISION 6 WOODWORK & CARPENTRY													
06-100	WOOD FRAMING	320	45	14400	2	3000	6000	0	0	0	0		
06-120	SUBFLOOR	160	45	7200	1	2000	2000	0	0	0	0		
06-140	UNDERLAYMENT	40	45	1800	20	1000	20000	0	0	0	0		
06-210	INTERIOR FINISH CARPENTRY	0	0	0	20	1200	24000	20	800	16000			
											Labor	23400	
											Mat'l's	52000	
											Subs	16000	
											Division Total \$		91,400
CSI# DIVISION 7 THERMAL & MOISTURE PROTECTION													
07-200	BUILDING INSULATION	0	0	0	0	0	0	1	18000	18000			
07-250	FOAM BOARD INSULATION	0	0	0	0	0	0	1	6200	6200			
07-410	MEMBRANE ROOFING	0	0	0	0	0	0	1	3000	3000			
07-810	ROOF HATCHES/VENTS	1	200	200	0	0	0	1	400	400			
											Labor	200	
											Mat'l's	0	
											Subs	27600	
											Division Total \$		27,800
CSI# DIVISION 8 DOORS, WINDOWS & HARDWARE													
08-100	METAL DOORS AND FRAMES	20	50	1000	0	0	0	20	300	6000			
08-200	WOOD DOORS AND FRAMES	60	50	3000	0	0	0	60	200	12000			
08-700	HARDWARE	80	35	2800	0	0	0	80	100	8000			
08-800	GLAZING	0	0	0	0	0	0	20	1000	20000			
											Labor	6800	
											Mat'l's	0	
											Subs	46000	
											Division Total \$		52,800
CSI# DIVISION 9 FINISHES													
09-250	GYPSON WALLBOARD	0	0	0	0	0	0	1	90000	90000			
09-400	CEILING SYSTEM	0	0	0	0	0	0	1	6000	6000			
09-550	FLOORING	0	0	0	0	0	0	1	90000	90000			
09-900	PAINTING	0	0	0	0	0	0	20	2000	40000			
											Labor	0	
											Mat'l's	0	
											Subs	226000	
											Division Total \$		226,000
CSI# DIVISION 10 SPECIALTIES													
10-522	FIRE EXTINGUISHERS & CABINET	0	0	0	0	0	0	6	300	1800			
10-800	TOILET AND BATH ACCESSORIES	20	150	3000	20	150	3000	0	0	0	0		

7/7/2014

Cobb Hill Construction, Inc

Budget.xls



18-000

PLUS OVERHEAD @ 5.00%  
SUBTOTAL

\$ 76,002.10  
\$ 1,596,044.10

18-000

PLUS PROFIT @ 5.00%

\$ 79,802.21

TOTAL BID FOR PROJECT estim

\$1,675,846.31

1.1025



55 Calef Highway, Suite 2, Barrington, NH 03825  
(603) 664-0181

September 15, 2014

James Campbell  
City of Rochester  
31 Wakefield Street  
Rochester, NH 03867-1917

Dear Mr. Campbell,

The purpose of this letter is to inform you of the owner's intent to renovate the second and third floors of the property located at One Wakefield Street. Each floor consists of approximately 9,065 sf. The existing use is currently office space and one residential unit. The proposed use is twenty-one residential apartments. The renovations would be limited to the interior of the structure with the exception of mechanical equipment to be located on the roof and not visible from the street. Warren Street Architects has been employed for design and code review. At this time we have met with the Fire Department and Code Enforcement for initial code review. Tenants will use the existing parking lot that contains 41 spaces as well as the municipal lots located in close proximity to the property. The estimated cost of improvements is \$1,200,000. The owner intends to apply for Community Revitalization Tax Relief under RSA 79E. All construction will meet all building and life safety codes.

The property owner's name and address.

One Wakefield Realty Trust  
134 East Howard St.  
Quincy, MA 02169

The property location (address, tax map and lot number).

One Wakefield Street  
Rochester, NH 03867  
Map 120 Lot 394

Owner's Representative

Jason Garland  
North & South Property Advisors  
55 Calef Highway, Suite 2  
Barrington, NH 03825  
(603) 231-1193

Number of sq. ft. to be used and whether it is existing space or new construction.  
18,130 +/- sf renovation of existing space

Description of the proposed use of the property.  
Twenty-one Residential Apartments, thirteen one bedroom and eight two bedroom

Description of the previous use of the property.  
General Office Space & One Residential Apartment

Brief description of the existing conditions- of the neighborhood (uses of abutting properties, traffic conditions, etc).  
The property lies in a B-2 Zone and is surrounded by existing business uses both office and retail with residential uses on the upper floors.

The number of employees that would result from the proposed use.  
None

The proposed hours of operation for the new use.  
N/A

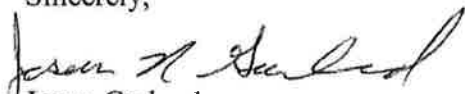
Description of how off-street parking will be accommodated.  
Use of owner's current parking lot (41 Spaces) and Municipal Parking

Description of any proposed site changes (ground disturbance, new structures, additions to existing structures). You do not need to address any interior changes to structures; Code Enforcement will outline the necessary procedures and permits.  
None

Where the access to the property will be located (driveways, curb cuts, etc.).  
Access will remain off of Museum Way and Hanson Street with no additional curb cuts.

Thank you for your attention to this. Please feel free to contact me with any questions.

Sincerely,

  
Jason Garland





# City of Rochester, New Hampshire

Division of Community Development

31 Wakefield Street, Rochester NH 03867

(603) 335-7522 [www.thinkrochester.biz](http://www.thinkrochester.biz)

## Review Form: For RSA 79e Community Revitalization Tax Relief Incentive

Building Name (if any): _____ Building Address: _____ Owner Name(s): _____ Owner Address(es): _____ _____	Map# _____ Lot# _____ Zoning: _____ Overlay District: _____ Year Built _____ Square Footage of Building _____
Contact Name: _____ Phone # _____ Email address: _____	Applicant Name(s) (if different from owner): _____ Applicant Address: _____ Phone # _____ Email address: _____
	Application Fee Paid: ____ Yes ____ No
Existing Uses (describe number of units by type and size ) Is there a change of use associated with this project? ____ Yes ____ No If so, please describe: _____ _____ _____	Is the building eligible or listed on the State or National Register of Historic Places or located in a Local, State, or Federal Historic District? Yes ____ No ____ Provide historic district name: _____
Will the project include rehabilitation of residential units? ____ Yes ____ No If yes, how many: _____ If yes, please describe: _____	Will the project involve affordable residential units? ____ Yes ____ No If yes, please describe: <u>Portsmouth-Rochester, NH 60% RENT LIMIT</u> <u>EFFIC. \$925/ 1 BR \$991/ 2 BR \$1,189</u> <u>NHHFA RENTS EFFECTIVE DATE: 5/1/2014</u> <u>Rental rates are below the above maximums.</u>
<u>Other Review &amp; Comment (if necessary)</u> Historic District Review: _____ Special Downtown Review: _____ Minor Site Review: _____ Planning Board Review: _____ Zoning Board of Adjustment: _____ Tax Assessor: _____	<u>Section 79:E-4</u> Application Date: _____ Complete: Y/N Staff Review: _____ Community Development Committee: _____ Post Public Hearing: _____ Public Hearing Date: _____ *Required within 60 days of receipt of application City Council: _____ *Required within 45 days of Public Hearing

### Does this application meet the appropriate tests?

Is it a qualifying structure located in a designated downtown zone?    ___ Yes       ___ No
Pre-rehabilitation assessed value (from most recent City Assessment): \$ ____
Total estimated cost of rehabilitation (from application):                     \$ _____
Percentage of rehabilitation costs to assessment valuation:                     _____%
Does the estimated cost of rehabilitation exceed 15% of pre-rehabilitation assessed valuation, or \$75,000, whichever is lower?                     YES _____       NO _____
<p><b>Is there public benefit?</b> Must satisfy at least 1 of the conditions below. (Section 79-E:7)</p> <p>___ It enhances the economic vitality of the Downtown District.</p> <p>___ It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district.</p> <p>___ It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community.</p> <p>___ It increases residential housing in urban or town centers.</p> <p>___ In a Local, State, or Federal Historic District?</p>
<p><b>Are other funding programs being applied to this project?</b>    ___ Yes       ___ No</p> <p><b>Other Programs.</b> – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.</p>

<p>ELIGIBILITY: Yes _____ No _____</p> <p>1) Substantial Rehabilitation Tax Relief Incentive (Up to 5 Years)</p> <p>2) Additional Tax Relief Incentive for New Residential Units (Up to 2 Years)</p> <p>3) Additional Tax Relief Incentive for Affordable Housing (Up to 4 Years)</p> <p>4) Additional Tax Relief for rehabilitation of historic places* (Up to 4 Years)</p> <p>* Rehabilitation in accordance with the in accordance with Secretary of Interior's Standards for Rehabilitation.</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(Total)</p>
--	---

**Name & Title:** \_\_\_\_\_

Date: \_\_\_\_\_

# City Council Review/Decision

Public Hearing Posting: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

City Council Meeting Date: \_\_\_\_\_

Does the City Council agree with findings of at least one Public Benefit?

- ☐ Enhances economic vitality of the village \_\_\_\_Yes\_\_\_\_No
- ☐ Enhances and improves a culturally or historically important structure? \_\_\_\_Yes\_\_\_\_No
- ☐ Promotes development of the downtown, providing for efficiency, safety, and greater sense of community? \_\_\_\_Yes\_\_\_\_No
- ☐ Increases residential housing units in downtown? \_\_\_\_Yes\_\_\_\_No

The Application was:	( ) GRANTED ( ) DENIED
Substantial Rehabilitation Tax Relief Incentive granted for (up to 5 years beginning with completion of rehab)	Years
Tax Relief Incentive for New Residential Units granted for (up to an additional 2 years, 4 years if affordable housing)	Years
Tax Relief Incentive for Rehabilitation of Historic Places in accordance with the U.S. Secretary of Interiors Standards for Rehabilitation for (up to additional 4 years)	Years
<b>Total</b>	Years

## IF DENIED, REASON(S) FOR DENIAL

Number of Yea: \_\_\_\_\_ Number of Nay: \_\_\_\_\_

Follow Up Letters Sent to:

- ☐ Applicant/Owner
- ☐ Assessing Department
- ☐ Economic Development
- ☐ Planning Department
- ☐ City Manager's Office
- ☐ Finance Department

## COVENANTS

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

Filed at Strafford County: \_\_\_\_\_ Date: \_\_\_\_\_

Copies to:

- ☐ Assessing Dept
- ☐ Finance Dept
- ☐ In File

**The Standards (Department of the Interior regulations 36 CFR 67) pertain to all historic properties listed in or eligible for listing in the National Register of Historic Places.**

- 1) A property shall be used for its intended historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archeological resources affected by a project, shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**Comments from Historic District Commission:**

**Name & Title:** \_\_\_\_\_

**Meeting Date:** \_\_\_\_\_

**TITLE V**  
**TAXATION**  
**CHAPTER 79-E**  
**COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE**  
Section 79-E:1

**79-E:1 Declaration of Public Benefit. –**

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

II-a. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the governing body makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in RSA 79-E:7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.

II-b. It is further declared to be a public benefit to encourage the rehabilitation of historic structures in a municipality by increasing energy efficiency in the preservation and reuse of existing building stock.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of a qualifying structure, as defined in this chapter.

**Source.** 2006, 167:1. 2009, 200:3, 4, eff. July 15, 2009. 2013, 78:1, eff. April 1, 2013.

Section 79-E:2

**79-E:2 Definitions. –** In this chapter:

I. "Historic structure" means a building that is listed on or determined eligible for listing on the National Register of Historic Places or the state register of historic places.

II. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.

III. "Replacement" means the demolition or removal of a qualifying structure and the construction of a new structure on the same lot.

IV. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. In addition, in the case of historic structures, substantial rehabilitation means devoting a portion of the total cost, in the amount of at least 10 percent of the pre-rehabilitation assessed valuation or at least \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation. Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.

V. "Tax increment finance district" means any district established in accordance with the provisions of RSA 162-K.

VI. "Tax relief" means:

(a) For a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

(b) For the replacement of a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a replacement structure shall not exceed the property tax on the replaced qualifying structure as a result of the replacement thereof.

(c) For a qualifying structure which is a building destroyed by fire or act of nature, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on such qualifying structure shall not exceed the tax on the assessed value of the structure that would have existed had the structure not been destroyed.

VII. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by

a local governing body pursuant to RSA 79-E:5.

**Source.** 2006, 167:1. 2009, 200:5-7. 2010, 329:1, 2. 2011, 237:1, 2, eff. July 5, 2011. 2013, 78:2, eff. April 1, 2013.

#### Section 79-E:3

##### **79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program –**

I. Any city or town may adopt or modify the provisions of this chapter by voting whether to accept for consideration or modify requirements for requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

**Source.** 2006, 167:1. 2010, 329:3, eff. July 20, 2010.

#### Section 79-E:4

##### **79-E:4 Community Revitalization Tax Relief Incentive. –**

I. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee.

I-a. In order to assist the governing body with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the governing body as part of the application, a New Hampshire division of historical resources individual resource inventory form, prepared by a qualified architectural historian and a letter issued by the local heritage commission and if the qualifying structure is located within a designated historic district established in accordance with RSA 674:46, a letter from the historic district commission or, if such local commissions are not established, a letter issued by the New Hampshire division of historical resources that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether any proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV. (a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations; and

(4) In the case of a replacement, the governing body specifically finds that the local heritage commission or historic district commission or, if such local commissions are not established, the New Hampshire division of historical resources has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement. In connection with these findings, the governing body may request that the division of historical resources conduct a technical evaluation in order



to satisfy the governing body that historical resources will not be adversely affected.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

VI. Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts when the governing body determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:

(a) The development program or financing plans for such tax increment finance districts; or

(b) The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment financing district; or

(c) The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

**Source.** 2006, 167:1. 2009, 200:8-11, eff. July 15, 2009.

#### Section 79-E:5

##### **79-E:5 Duration of Tax Relief Period. –**

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

I-a. For the approval of a replacement of a qualifying structure, the governing body may grant such tax assessment relief for a period of up to 5 years, beginning only upon the completion of construction of the replacement structure. The governing body may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the governing body of tax relief for the replacement structure and the time the owner completes construction of the replacement structure and grants to the municipality the covenant to protect the public benefit as required by this chapter. The governing body may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under RSA 75:1-a.

II. The governing body may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

IV. The governing body may adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period.

**Source.** 2006, 167:1. 2009, 200:12. 2010, 329:4, eff. July 20, 2010.

#### Section 79-E:6

**79-E:6 Resumption of Full Tax Liability. –** Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

**Source.** 2006, 167:1, eff. April 1, 2006.

#### Section 79-E:7

**79-E:7 Public Benefit. –** In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;

II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

**Source.** 2006, 167:1. 2009, 200:13, eff. July 15, 2009. 2013, 78:3, eff. April 1, 2013.

#### Section 79-E:7-a

**79-E:7-a Public Benefit Determinations.** – Cities or towns may adopt according to the procedure in RSA 79-E:3 provisions that further define the public benefits enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals.

**Source.** 2010, 329:5, eff. July 20, 2010.

#### Section 79-E:8

##### **79-E:8 Covenant to Protect Public Benefit. –**

I. Tax relief for the substantial rehabilitation or replacement of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and as otherwise provided in this chapter.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

**Source.** 2006, 167:1. 2009, 200:14, eff. July 15, 2009.

#### Section 79-E:9

##### **79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty. –**

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation or replacement has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

**Source.** 2006, 167:1. 2009, 200:15, eff. July 15, 2009.

#### Section 79-E:10

**79-E:10 Lien for Unpaid Taxes.** – The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

**Source.** 2006, 167:1, eff. April 1, 2006.

#### Section 79-E:11

**79-E:11 Enforcement.** – All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80.

**Source.** 2006, 167:1. 2007, 42:3, eff. July 20, 2007.

#### Section 79-E:12

**79-E:12 Rulemaking.** – The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

**Source.** 2006, 167:1, eff. April 1, 2006.

#### Section 79-E:13

##### **79-E:13 Extent of Tax Relief. –**

I. (a) Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

(b) Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter, provided that for a qualifying structure which is a building destroyed by fire or act of nature, original assessed value shall mean the value as of the date of approval of the application for tax relief of the qualifying structure that would have existed had the structure not been destroyed.

II. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

**Source.** 2006, 167:1. 2010, 329:6. 2011, 237:3, eff. July 5, 2011.

#### Section 79-E:14

**79-E:14 Other Programs.** – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

**Source.** 2006, 167:1, eff. April 1, 2006.



# ***City of Rochester, New Hampshire***

**Division of Community & Economic Development**

**31 Wakefield Street, Rochester NH 03867**

**Application Revised January 1, 2015**

## **Community Revitalization Tax Relief** (per RSA 79E)

**City of Rochester, New Hampshire**

**Application must be accompanied by \$150 application fee payable to "City of Rochester"**

Date of Preparation: \_\_\_\_\_

### **Property information**

Property address/location: \_\_\_\_\_

Name of building (if any): \_\_\_\_\_

Tax map & lot #: \_\_\_\_\_ Year built: \_\_\_\_\_

Square Footage: \_\_\_\_\_ Condition: \_\_\_\_\_

Zoning: \_\_\_\_\_ Vacant, how long: \_\_\_\_\_

Is this structure eligible or listed on the State or National Register of Historic Places, or located in a local, state or federal Historic District? Yes \_\_\_\_\_ No \_\_\_\_\_

Name of District: \_\_\_\_\_

Existing Uses: Describe the units by type and size, how many floors \_\_\_\_\_

Change of Use?: \_\_\_\_\_

### **Property Owner**

Name (include name of individual): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

### **Applicant or Agent Contact:**

Name (include name of individual): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

## Proposed Project Information

Name of Architect (if known): \_\_\_\_\_

Name of Licensed Contractor (if known): \_\_\_\_\_

Will the project include rehabilitation of residential units? \_\_\_\_\_ If yes, how many \_\_\_\_\_

Are the residential units defined as “affordable”? Yes \_\_\_\_\_ No \_\_\_\_\_

*(The current affordable rents in the City of Rochester are available at [www.NHHFA.org](http://www.NHHFA.org))*

Describe the commercial space, square footage, uses and conditions: \_\_\_\_\_

Please describe in detail the public benefits associated with this project? You may attach pages to the application for this and the following question. ( RSA 79-E:7)

Explain the project in your own words:

Pre-Rehabilitation Ad Velorum Tax Valuation \$ \_\_\_\_\_

Please obtain a Property Record Card from the Rochester Assessing Department, and include a copy with the application.

Does the estimated cost of rehabilitation exceed 15% of pre-rehabilitation valuation, or

\$75,000, whichever is lower? YES \_\_\_\_\_ NO \_\_\_\_\_ % \_\_\_\_\_

**Note:** This program is available for projects where the rehabilitation cost equals or exceeds 15% of the pre-rehabilitation assessed valuation or \$75,000, whichever is lower. If your project does not meet this standard, it is not eligible for Tax Relief under RSA 79e.

## Project costs

Describe work that will constitute the substantial rehabilitation and estimated/projected costs.

Historic Restoration: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Sustainability/Efficiency: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Interior Alterations: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Exterior Alterations: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Structural: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Electrical: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Plumbing: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Mechanical: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Safety/Fire Protection: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Other: \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Expected construction dates. Start: \_\_\_\_\_; Finish: \_\_\_\_\_

Total project cost: \$ \_\_\_\_\_

Please attach written estimates whenever possible.

Will any state or federal grants or funds be used in this project? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide information in detail on an additional sheet.

**Note:** The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.



## Other Approvals and Information

Please include the scheduled date of review or attach the **Notice of Decision** as appropriate:

Project Narrative or Letter of Intent to Planning: \_\_\_\_\_ Date: \_\_\_\_\_

Historic District Review: \_\_\_\_\_ Date: \_\_\_\_\_

*(Required if Requesting Historic Incentive)*

Special Downtown Review: \_\_\_\_\_ Date: \_\_\_\_\_

Minor Site Review: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Board of Adjustment: \_\_\_\_\_ Date: \_\_\_\_\_

Conservation Commission: \_\_\_\_\_ Date: \_\_\_\_\_

DPW Driveway/Water/Sewer: \_\_\_\_\_ Date: \_\_\_\_\_

State Permits or Requirements: \_\_\_\_\_ Date: \_\_\_\_\_

Other (please specify): \_\_\_\_\_ Date: \_\_\_\_\_

## Application Checklist

*(Applications are not complete, and review will not be scheduled, until all supporting items are delivered)*

- ☐ Completed Application form with signatures.
- ☐ Application Fee made payable to City of Rochester
- ☐ Documentation and photos of Historic Information
- ☐ Copy of Property Record Card
- ☐ Description of Public Benefit
- ☐ Site plans, diagrams, elevations associated with the Project
- ☐ Cost Estimates associated with the Project
- ☐ Documentation of State or Federal Funds
- ☐ Notice of Decision for Other Reviews
- ☐ Request for Tax Relief

## Request for Community Revitalization Tax Relief

\_\_\_\_\_ Substantial Rehabilitation Tax Relief Incentive (Up to 5 Years)

\_\_\_\_\_ Additional Tax Relief Incentive for New Residential Units (Up to 2 Years)

\_\_\_\_\_ Additional Tax Relief Incentive for Affordable Housing (Up to 4 Years)

\_\_\_\_\_ Additional Tax Relief for rehabilitation of historic places\* (Up to 4 Years)

*\* Rehabilitation in accordance with the in accordance with Secretary of Interior's Standards for Rehabilitation.*

**Please explain your request for the above tax relief categories. You may attach an additional sheet.** \_\_\_\_\_

### Submission of Application

This application must be signed by the **property owner**. Please submit an **electronic version** and /or a complete package of information to:

Rochester Community & Economic Development

Mail: 31 Wakefield St, Rochester, NH 03867

Office: 150 Wakefield St, Rochester NH 03867

[Karen.Pollard@Rochesternh.net](mailto:Karen.Pollard@Rochesternh.net)

A **\$150.00** application fee (payable to "City of Rochester") must be submitted in order for this application to be considered complete. Please follow up at 603-335-7522 to insure all information and payments have been received.

*I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statute (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate. I (we) have reviewed the statute and understand that: a) there will be a **public review process** and public hearing to evaluate the merits of this application; b) I (we) will need to enter into a covenant with the City; and c) I (we) may be required to pay reasonable expenses associated with the creation and recording of the covenant to the **Strafford County Registry of Deeds**.*

Signature of property owner (1): \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of property owner (2): \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

## **ATTACHMENT I**

### **City of Rochester RSA 79e Application**

**The Standards (Department of the Interior regulations 36 CFR 67) pertain to all historic properties listed in or eligible for listing in the National Register of Historic Places.**

- 1) A property shall be used for its intended historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archeological resources affected by a project, shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**ATTACHMENT II**  
**City of Rochester RSA 79e Application**

**TITLE V**  
**TAXATION**

*CHAPTER 79-E*

*COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE*

**Section 79-E:1**

**79-E:1 Declaration of Public Benefit. –**

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

II-a. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the governing body makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in RSA 79-E:7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.

II-b. It is further declared to be a public benefit to encourage the rehabilitation of historic structures in a municipality by increasing energy efficiency in the preservation and reuse of existing building stock.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of a qualifying structure, as defined in this chapter.

**Source.** 2006, 167:1. 2009, 200:3, 4, eff. July 15, 2009. 2013, 78:1, eff. April 1, 2013.

**Section 79-E:2**

**79-E:2 Definitions. –** In this chapter:

I. "Historic structure" means a building that is listed on or determined eligible for listing on the National Register of Historic Places or the state register of historic places.

II. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.

III. "Replacement" means the demolition or removal of a qualifying structure and the construction of

a new structure on the same lot.

IV. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. In addition, in the case of historic structures, substantial rehabilitation means devoting a portion of the total cost, in the amount of at least 10 percent of the pre-rehabilitation assessed valuation or at least \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation. Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.

V. "Tax increment finance district" means any district established in accordance with the provisions of RSA 162-K.

VI. "Tax relief" means:

(a) For a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

(b) For the replacement of a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a replacement structure shall not exceed the property tax on the replaced qualifying structure as a result of the replacement thereof.

(c) For a qualifying structure which is a building destroyed by fire or act of nature, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on such qualifying structure shall not exceed the tax on the assessed value of the structure that would have existed had the structure not been destroyed.

VII. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

**Source.** 2006, 167:1. 2009, 200:5-7. 2010, 329:1, 2. 2011, 237:1, 2, eff. July 5, 2011. 2013, 78:2, eff. April 1, 2013.

## **Section 79-E:3**

### **79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program –**

I. Any city or town may adopt or modify the provisions of this chapter by voting whether to accept for consideration or modify requirements for requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

**Source.** 2006, 167:1. 2010, 329:3, eff. July 20, 2010.

## **Section 79-E:4**

### **79-E:4 Community Revitalization Tax Relief Incentive. –**

I. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee.

I-a. In order to assist the governing body with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the governing body as part of the application, a New Hampshire division of historical resources individual resource inventory form, prepared by a qualified architectural historian and a letter issued by the local heritage commission and if the qualifying structure is located within a designated historic district established in accordance with RSA 674:46, a letter from the historic district commission or, if such local commissions are not established, a letter issued by the New Hampshire division of historical resources that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether any proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV. (a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations; and

(4) In the case of a replacement, the governing body specifically finds that the local heritage commission or historic district commission or, if such local commissions are not established, the New Hampshire division of historical resources has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement. In connection with these findings, the governing body may request that the division of historical resources conduct a technical evaluation in order to satisfy the governing body that historical resources will not be adversely affected.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

VI. Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts when the governing body determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:

(a) The development program or financing plans for such tax increment finance districts; or



(b) The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment financing district; or

(c) The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

**Source.** 2006, 167:1. 2009, 200:8-11, eff. July 15, 2009.

## **Section 79-E:5**

### **79-E:5 Duration of Tax Relief Period. –**

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

I-a. For the approval of a replacement of a qualifying structure, the governing body may grant such tax assessment relief for a period of up to 5 years, beginning only upon the completion of construction of the replacement structure. The governing body may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the governing body of tax relief for the replacement structure and the time the owner completes construction of the replacement structure and grants to the municipality the covenant to protect the public benefit as required by this chapter. The governing body may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under RSA 75:1-a.

II. The governing body may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

IV. The governing body may adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period.

**Source.** 2006, 167:1. 2009, 200:12. 2010, 329:4, eff. July 20, 2010.

## **Section 79-E:6**

**79-E:6 Resumption of Full Tax Liability. –** Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

**Source.** 2006, 167:1, eff. April 1, 2006.

## **Section 79-E:7**

**79-E:7 Public Benefit. –** In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;

II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by

the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

**Source.** 2006, 167:1. 2009, 200:13, eff. July 15, 2009. 2013, 78:3, eff. April 1, 2013.

## **Section 79-E:7-a**

**79-E:7-a Public Benefit Determinations.** – Cities or towns may adopt according to the procedure in RSA 79-E:3 provisions that further define the public benefits enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals.

**Source.** 2010, 329:5, eff. July 20, 2010.

## **Section 79-E:8**

### **79-E:8 Covenant to Protect Public Benefit. –**

I. Tax relief for the substantial rehabilitation or replacement of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and as otherwise provided in this chapter.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

**Source.** 2006, 167:1. 2009, 200:14, eff. July 15, 2009.

## **Section 79-E:9**

### **79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty. –**

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation or replacement has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following

procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

**Source.** 2006, 167:1. 2009, 200:15, eff. July 15, 2009.

## **Section 79-E:10**

**79-E:10 Lien for Unpaid Taxes.** – The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

**Source.** 2006, 167:1, eff. April 1, 2006.

## **Section 79-E:11**

**79-E:11 Enforcement.** – All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80.

**Source.** 2006, 167:1. 2007, 42:3, eff. July 20, 2007.

## **Section 79-E:12**

**79-E:12 Rulemaking.** – The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

**Source.** 2006, 167:1, eff. April 1, 2006.

## **Section 79-E:13**

**79-E:13 Extent of Tax Relief.** –

I. (a) Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

(b) Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter, provided that for a qualifying structure which is a building destroyed by fire or act of nature, original assessed value shall mean the value as of the date of approval of the application for tax relief of the qualifying structure that would have existed had the structure not been destroyed.

II. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter,

provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

**Source.** 2006, 167:1. 2010, 329:6. 2011, 237:3, eff. July 5, 2011.

### **Section 79-E:14**

**79-E:14 Other Programs.** – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

**Source.** 2006, 167:1, eff. April 1, 2006.